

REMARKS

In the Office Action mailed on May 30, 2006, the Examiner rejected claims 1, 2, 4-7, 10, 21 and 22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,141 to Oz et al.; rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Oz et al. in view of an article by Thompson; and rejected claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Oz et al. in view of U.S. Patent Publication 2003/0223466 to Noronha et al.

Applicant has presented the claims 1-10, 21 and 22 in order to correct the status of claim 10, a typographical error in claim 10 and to state that claims 11-20 (not 11-25) have been cancelled. No substantive changes to the claims have been made and no new matter has been added.

With respect to claim 1, the Examiner fails to point out where in Oz et al. the claimed limitation of “transmitting the timing critical data directly to a media access control layer” is taught. Without know which part of Oz et al. the Examiner asserts teaches this limitation, Applicant is unable to comment. Applicant reserves the right to traverse this point when the Examiner cites to a particular section in Oz et al. as teaching this limitation.

Claim 1 recites “maintaining a timing relationship of the timing critical data throughout the media access control layer to a scheduler.” The Examiner cites to column 20, lines 13-65 in Oz et al. Applicant respectfully disagrees. Oz et al. do discuss routing packets from rate-adaptation statistical multiplexer engine 302 to DOCSIS MAC units 330 and then to downstream re-multiplexing engine 314 (see column 20, lines 37-41) or routing packets from rate-adaptation statistical multiplexer engine 302 to downstream re-

multiplexing engine 314 (see column 20, lines 46-49). Oz et al. do NOT describe maintaining any timing relationship when these packets are moved from unit to unit. Thus, if the packets are received out of time order, it is more likely than not that the packets will be transferred from unit to unit in that same out of order sequence. Thus, Oz et al. do not teach or suggest “maintaining a timing relationship” as recited in claim 1.

Claims 4 and 21 recite similar limitations in that they “maintain[] a timing relationship.” For the reasons previously given with respect to claim 1, Oz et al. cannot anticipate claims 4 and 21.

Claims 5 and 22 recite a “MAC receiver.” The Examiner cites to column 12, lines 14-21 and column 21, lines 22-26 in Oz et al. as teaching a MAC receiver. Applicant disagrees. Nowhere in column 12, lines 14-21 or column 21, lines 22-26 are the words “MAC” or “receiver” used let alone the combination of “MAC receiver.”

Claim 22 also recites a “decoder.” The Examiner cites to column 11, lines 54-62 and element 132 in Figure 1 of Oz et al. as teaching a decoder. Applicant respectfully disagrees. The word “decoder” is not used in either place.

Claim 9 recites a “depacketizer.” The Examiner cites to column 20, lines 14-65 of Oz et al. as a teaching for a “depacketizer.” Applicant respectfully disagrees. The word “depacketizer” is not used in this section of Oz et al.

Claims not specifically mentioned above are allowable due to their dependency on an allowed base claim.

CONCLUSION

No fees beyond those for the petition for the 3 month extension of time and the request for continued examination are believed due for this amendment. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of this application and the issuance of a Notice of Allowance. If the Examiner has any questions, he may reach Applicant's representative below.

Respectfully submitted,

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Date